

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

Wichita, Kansas, February 6, 2001  
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Mark Brown, Native American, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of January 23, 2001, were approved 7 to 0.

**AWARDS AND PRESENTATIONS**

SERVICE CITATION Distinguished Service Citations were presented.

PROCLAMATIONS Proclamations previously approved were presented.

PROCLAMATIONS Proclamations previously approved were presented.

**PUBLIC AGENDA**

Ronald Malholmes – HeartSpring.  
The Speaker withdrew from the Agenda.

**UNFINISHED BUSINESS**

**VAC2000-00060** **VAC2000-00060 - VACATE PORTION OF PLATTED 25-FOOT UTILITY EASEMENT  
LOCATED AT THE SOUTHWEST CORNER OF CENTRAL AND CEDAR DOWNS CIRCLE.**  
(District V)  
(Continued from January 23, 2001)

Motion -- carried Knight moved this Item be deferred one week. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 296

## WAIVER OF FEES

### WAIVER OF FEES IN LIEU OF ASSESSMENT. (District V)

Continued from the January 23, 2001, City Council meeting.

David Warren

Director of Water and Sewer reviewed the Item.

Agenda Report No. 01-0095A.

A fee waiver request was received on September 25, 2000 for connection to the City water main at 5519 W. 9th. Ms. Wanda Pore made the request on behalf of the property owners, Mervin W. and Dorothy N. Pore. This Item was deferred from the January 23, 2001, City Council meeting.

Research by System Planning in the Water & Sewer Department revealed the following information.

- ? The property was in the City limits prior to 1970.
- ? This is an existing house, not infill.
- ? The water main was installed in 1956 by resolution of the commissioners prior to the existence of benefit districts.
- ? The System Planning and Development Division is not aware of any groundwater contamination in that area.

Based on these facts, the property does not meet the waiver of fee criteria as set forth in Water & Sewer Department Operating Procedure 65. The Development Coordination Committee (DCC) denied the request on September 28, 2000 and the requestor was so notified by mail.

A second request for waiver of in lieu of assessment fees from Mr. Mervin W. Pore was received on October 18, 2000. No criteria was cited which had not previously been considered. Consequently it was decided not to forward the second request to the DCC for reconsideration and DCC denial of the original waiver request remains in force.

The relevant provisions for water connections are contained in Section 17.12.065 of the City of Wichita Ordinance. Department Operating Policy & Procedure #65 address the provision for payment of a connection fee by applicants wishing to connect to City water and sewer lines serving properties not currently part of an existing or projected benefit district.

Upon request from applicants for water and/or sewer service, the DCC appointed and duly constituted by the City Manager may consider waiver and/or modification of fees for payment in absence of special assessments for properties exhibiting some or all of the following characteristics:

- ? Inclusion within the corporate limits of the City of Wichita prior to 1970.
- ? Potential public benefits relating to the redevelopment of infill of urban properties.
- ? Absence or inclusion of adjoining properties in a benefit district at the time of their development.
- ? Potential overriding public benefits, e.g. the preservation of public health through provision of a public water supply in cases of groundwater contamination, which may accrue to application of the fees in particular situations.

DCC concurred with the assessment of the System Planning section of the Water & Sewer Department that the property at 5519 W. 9th Street did not meet the above criteria.

In addition, the water line has existed and available for connection since 1956. In lieu of assessment fees became a necessary part of Department policy in 1992. Mr. Pore had ample opportunity to connect to the city water system prior to in lieu of assessment fees existence.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Mr. Pore

Mr. Pore said he had asked to be connected to water service in 1962 or 1963 and was told the main was too small and was available only for fire fighting. He was told he could not have sewer service because

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 297

the electric company had poles down the center of the right-of-way and there was no room for a sewer line.

Mr. Pore said he thought it would be fair if he could connect at the 1963 cost of \$300 to \$400.

David Warren

Director of Water and Sewer explained the appeal process and DCC considerations. The Director of Water and Sewer also stated that Mr. Pore had numerous opportunities to request service after 1962 and before the fee was in place, and those requests have not been made.

Motion -- carried

Knight moved that the request be denied. Motion carried 7 to 0.

## NEW BUSINESS

### **C OF C REPORT**

#### **CHAMBER OF COMMERCE REPORT - ECONOMIC DEVELOPMENT ACTIVITIES.**

This Item was pulled from the Agenda.

### **ELECTRIC STUDY**

#### **MUNICIPALIZATION (ELECTRIC) FEASIBILITY STUDY.**

Tim Corrigan

Tim Corrigan, R.W. Beck, reviewed the Study.

Agenda Report No. 01-0125.

On November 23, 1999 the City Council received a recommendation from the City Manager's Municipal Electric Utility Task Force for the City to retain professional consulting assistance to evaluate the technical, legal, and economic feasibility of having a municipal electric utility to provide electrical service to customers in Wichita. This decision was made based upon weeks of study and analysis and the higher than justified rates being assessed to Wichita consumers by Western Resources.

On March 7, 2000, the City retained the services of RW Beck, Inc - a nationally recognized utility engineering firm - to provide engineering and economic feasibility services and with Duncan & Allen and Triplett, Woolf, & Garretson, LLC to provide legal counsel in support of this study. Recommendations from these expert firms have been received and are ready to be presented to the City Council for appropriate action.

The City of Wichita is considering the formation of a municipal electric utility to serve customers in the Wichita area who are currently served by KGE. This study calculated the amount these customers could be expected to pay KGE over the next twenty years and compared these rates to what they would pay to a municipal electric utility for the same amount of energy over the same time period. The analysis shows that Wichita customers could realize savings by as much as 20 percent, or a projected amount of \$654 million (over the next 20-years) if they are served by a municipal electric utility.

To realize this benefit, the Study shows that the City must:

1. Acquire the distribution system of KGE in the Wichita area at an estimated cost of \$323 million;
2. Make the KGE system whole after acquiring the distribution system at a cost in the range of \$19 million to \$37 million;
3. Purchase electrical energy and have it delivered to the City over the 20-year period at a (non-discounted) cost of \$8,890 million; and
4. Determine obligation, if any, of Western Resources "stranded investment" (i.e. an investment made by them to serve the customers in Wichita) of \$145 million.

In addition, the City would be required to make capital improvements, pay operating and maintenance costs, along with interest costs on bonds used to finance the start-up. The total net present value of the cost of municipal ownership over the 20-years is expected to be near \$4,482 million. The costs under KGE service would be \$5,137 million.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 298

In considering this analysis and feasibility study, the City has a number of alternatives to consider, including, but not limited to

1. Proceed with the establishment of an operational Wichita Municipal Electric Utility, OR
2. Proceed with a limited municipalization effort in which the City would serve its own major electrical users (i.e. Hess Water Pump Station, Waste Water Treatment Plant #2, and Mid Continent Airport) along with other customers as appropriate, OR
3. Undertake additional study and refinement of issues as the City Council believes necessary to make an informed decision, OR
4. Delay any further action on this project until the results of the current rate case at the Kansas Corporation Commission and the impact of the merger of Western Resources and Public Service of New Mexico are known, OR
5. Abandon the concept of establishing a municipal electric utility.

Because of the complexity and impacts of a decision of this nature, the City Council will want to have the benefit of input from the Electric Utility Task Force (and others) to evaluate the results of the feasibility and technical/financial analysis and offer its recommendations to the City Council.

If the City proceeds with a municipal electric utility, there will be considerable costs associated with the establishment and operation of the utility. Based on the Consultant's study, however, there will also be significant net financial benefit to rate payers in Wichita of having electric service provided from a municipally-owned utility rather than an investor-owned electric company.

The City Council must ultimately determine if the potential savings to the community of over \$654,000,000 justifies the efforts that would be required to establish and operate a municipal electric utility.

The legal considerations of establishing a functional municipally-owned electric utility are considerable and complex. The legal consultants have concluded that the City has the legal ability to undertake this project. Western Resources (KGE) can be expected to legally challenge the City's efforts to build and operate an electric utility.

Discussion was had regarding California municipal companies and Mr. Corrigan explained that those companies who had developed long-term power supply plans have not run into jeopardy; however, those companies who have not developed long-term power supply plans are the companies having rolling blackouts and lack of power problems.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Pisciotte moved that the study be received and filed; the study be referred; and the City Manager be directed to work with the Electric Utility Task Force to review the report and make recommendations to the City Council within 30 days. Motion carried 7 to 0.

-- carried

(Addendum No. 5a)  
**COURT JUDGES**

## **ORDINANCE AMENDMENTS ON THE SELECTION OF MUNICIPAL COURT JUDGES.**

Yvette Gardener

Yvette Gardener, President of the Wichita Bar Association, offered the Wichita Bar Association as a resource in any ordinance modifications. The Bar Association would like to be part of discussions regarding the proposed Ordinance.

Motion -- carried

Knight moved that this Item be deferred. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 299

MARK E. COX

## MARK E. COX, INCORPORATED RESOLUTION OF SUPPORT FOR TAX CREDITS. (District IV)

Roy Johnson

Director of Housing reviewed the Item.

Agenda Report No. 01-0126.

Mark E. Cox, Incorporated, has notified the City of Wichita Housing Services Department of their intent to file an Housing Tax Credit application with the Kansas Department of Commerce and Housing for approximately \$2.5 million on or before February 9, 2001. The project to be undertaken includes construction of 72 housing units on lots 1-10, inclusive, Block A, Stein Addition and Lots 1-8, inclusive, Block B, Stein Second Addition, and the west 100 feet of Lot 1 Adamson Addition to Wichita. Located at 42nd and west of Seneca Street. Fifty (50) of the units will be 2 bedroom units and the 50 will be 3 bedroom units. One hundred percent (100%) of the units will be targeted to households with incomes at or below 60% of median income.

In accordance with City Council Resolution No. R-95-479, the applicant agency has notified residents of the project and of the public hearing to provide comments. The Kansas Department of Commerce and Housing requires the submittal of a Resolution from the local Governing Body and approved by the Mayor. The resolution includes language to the effect that the City is in need of housing, and that the resolution will continue to be effective until the units are rehabilitated.

The resolution also requires that the notice form be approved by the Director of Housing Services. A copy of the notice has been provided, and has been deemed acceptable. The project was presented, and received the support of the DAB in December, 2000.

Low Income Housing Tax Credits are part of the financing package for the construction of the 72 units.

Council Member Rogers Council Member Rogers said 85 percent was more realistic and 100 percent has not been prudent across the Country. In all the deliberations over the years, the City has been trying to get away from 100 percent low-income developments.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Mark E. Cox

Mark E. Cox said he had more work to do on a marketing study. Mr. Cox said he is willing to adjust the percentage of low-income units.

Margaret Holderman

Margaret Holderman, 2813 South Rutan, said the Planeview Redevelopment Plan listed decrease in housing population density and parking as two of the top ten items of concern, and spoke against this proposal as being against the Plan.

Council Member Lambke

Council Member Lambke said that after study, he has concluded this project has a place in the development of Planeview.

Motion --

Knight moved that the public hearing be closed; the letter of support for the housing tax credit **application be approved with the condition that a maximum of 85 percent of the units be low-income;** the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

### RESOLUTION NO. R-01-036

A Resolution establishing support for an application for low income tax credits, as required by the State of Kansas, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 300

## ROSS PARKWAY

### ROSS PARKWAY APARTMENTS, LLC RESOLUTION OF SUPPORT FOR TAX CREDITS. (District II)

Roy Johnson

Director of Housing reviewed the Item.

Agenda Report No. 01-0127.

Ross Parkway Apartments, LLC, has notified the City of Wichita Housing Services Department of their intent to file an Housing Tax Credit application with the Kansas Department of Commerce and Housing for approximately \$2.4 million on or before February 9, 2001. The project to be undertaken includes construction of 60 housing units on Lot 10, Block B, in Planeview Subdivision No. 2, being a subdivision in Section 2, Township 28 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, KS (commonly known as 3620 E Sunnybrook). Ten (10) of the units will be 1 bedroom, 25 of the units will be 2 bedroom units and the 25 will be 3 bedroom units. Eighty-five percent (85%) of the units (51 units) will be targeted to households with incomes at or below 60% of median income.

In accordance with City Council Resolution No. R-95-479, the applicant agency has notified residents of the project and of the public hearing to provide comments. The Kansas Department of Commerce and Housing requires the submittal of a Resolution from the local Governing Body and approved by the Mayor. The resolution includes language to the effect that the City is in need of housing, and that the resolution will continue to be effective until the units are rehabilitated.

The resolution also requires that the notice form be approved by the Director of Housing Services. A copy of the notice has been provided, and has been deemed acceptable. The project will be presented to DAB prior to submittal to the Kansas Department of Commerce and Housing.

Low Income Housing Tax Credits are part of the financing package for the construction of the 60 units.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the public hearing be closed; the letter of support for the housing tax credit application be approved; the Resolution be adopted; and the necessary signatures be authorized.

-- carried

Motion carried 7 to 0.

### RESOLUTION NO. R-01-035

A Resolution establishing support for an application for low income tax credits, as required by the State of Kansas, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

### CITY COUNCIL AGENDA

#### TRAVEL APPROVAL

#### APPROVAL OF COUNCIL MEMBER MARTZ'S AND SPOUSE'S TRAVEL TO TLALNEPANTLA, MEXICO, FOR AN OFFICIAL VISIT FEBRUARY 19-24, 2001.

Motion -- carried

Knight moved that the travel expenditures be approved. Motion carried 7 to 0.

#### TRAVEL APPROVAL

#### APPROVAL OF MAYOR AND COUNCIL MEMBER PISCOTTE'S TRAVEL TO NLC BOARD OF DIRECTORS MEETING IN DETROIT, MI, JULY 19-21, 2001.

Motion -- carried

Rogers moved that the travel expenditures be approved. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 301

## APPOINTMENTS

### BOARD APPOINTMENTS.

Motion --

Knight appointed Wes Galyon – WABA (Housing Development/Construction); Gary Brown – Emprise Bank and Janine Carter – Capital Federal (Finance and banking); Lynn Miller – Board of Realtors (Real Estate); Tony Rangel – Law Kingdon (Architect/Engineering); Rob Snyder – Peaceful Village Management (Landlord representation); Angela Lyday – Section 8 tenant (Tenant representation); Al Huffman; and Clarice Harris – Real Estate (at large) to the Housing Advisory Board, and moved that the appointments be approved. Motion carried 7 to 0.

-- carried

### CONSENT AGENDA

Knight moved that the Consent Agenda, except Item 19b, (19c and 19e were pulled) be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

## BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 5, 2001.

Bids were opened January 26, and February 2, 2001, pursuant to advertisements published on:

29th Street North from the west line of Greenwich Road to 855 feet west of the west line of Greenwich Road - Phase II, Landscape to serve Regency Park/ Soccer Fields/ Baseball Fields - 29th Street North, west of Greenwich. (472-83069/765588/490699) Does not affect existing traffic. (District II)

Complete Landscaping - \$62,440.97 (Corrected total)

Water main replacement in connection with intersection improvements at Central and Ridge Road - Central and Ridge Road. (448-89535/635601/635601) Traffic to be maintained during construction using flagpersons and barricades. (District V)

WB Carter Construction - \$326,000.00

Lateral 25, Cowskin Interceptor Sewer, Fawnwood Addition - west of 135th St. West, north of Kellogg. (468-83174/743860/480548) Does not affect existing traffic. (District V)

WB Carter Construction - \$16,288.00

Signalization improvements at 47th Street South and Palisade Intersection - west of Broadway at 47th Street South. (472-83261/706807/200272) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

B & W Electrical Contractors - \$46,000.00 (Lump sum total)

Traffic signal for 21st Street North and Bradley Fair Parkway, Legacy Park Wilson Estates - south of 21st Street North, east of Rock Road. (472-83251/765658/490769) Does not affect the existing traffic. (District II)

Phillips Southern - \$86,012.00

Water distribution system to serve Cedar View Second Addition - north of Lincoln, east of Greenwich (448-89526/735000/470670) Does not affect the existing traffic. (District II)

WBW Contractors - \$27,431.00

Water Distribution System to serve Shoal Creek Addition - west of 143rd, south of Central. (448-89522/735001/) Does not affect the existing traffic. (District II)

WBW Contractors - \$55,733.00

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 302

Wayfinding Graphics and Signage System - Core Area. (472-82827/791749/435203) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, V, VI)

Heath & Co. - \$263,415.29 (Total base bid/Alternates A and B)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PARK DEPARTMENT/LANDSCAPE & FORESTRY DIVISION: Disc Brush Chipper. (172015)

Vegetation Management Supply - \$22,980.00 (Total base bid)  
680.00 (Total option 1)  
830.00 (Total option 2)  
<3,500.00>(Total option 3-deduct)  
<200.00> Deduct electric brake

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Automotive and Commercial Batteries. (130849)

Allied Battery Supply Co. - \$22.50 (Item 1/per each)  
26.00 (Item 2/per each)  
26.00 (Item 3/per each)  
32.00 (Item 4/per each)  
32.00 (Item 5/per each)  
44.50 (Item 6/per each)  
42.50 (Item 7/per each)  
35.00 (Item 8/per each)  
79.00 (Item 9/per each)  
69.00 (Item 10/per each)  
23.00 (Item 11/per each)  
42.00 (Item 12/per each)  
28.00 (Item 13/per each)  
31.50 (Item 14/per each)  
32.50 (Item 15/per each)  
85.00 (Item 16/per each)  
15.00 (Item 17/per each)  
<5.00> (Item 18/per each-deduct)  
<3.00> (Item 19/per each-deduct)  
10% (Item 20/discount from price sheet on all other batteries)

AIRPORT AUTHORITY DEPARTMENT/AIRPORT OPERATIONS DIVISION: Window Cleaning Services. (190033)

Crystal Clear Window Cleaning - \$23,676.00 (Annual cost lump sum)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## CMB APPS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Vongduane Sengseevong	Pho Vientiane Oriental Restaurant*	3141 South Hillside, Suite #105



# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 303

<u>New Operator</u>	<u>2001</u>	<u>(Consumption off Premises)</u>
P.D. Bairrington	Phillips 66 #57708	7990 East Central
P.D. Bairrington	Coastal #37303	3810 North Woodlawn
P.D. Bairrington	Coastal #39102	7101 East Lincoln
P.D. Bairrington	Coastal #39112	10723 West Highway 54
P.D. Bairrington	Coastal #39114	8008 East 21st Street
P.D. Bairrington	Coastal #39157	1925 West 21st Street
P.D. Bairrington	Coastal #39189	8330 East Kellogg

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

## **PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.**

a) Central Avenue from 100 438 West of C.L. of Woodchuck to 141 175 East of C.L. of Winterset - Central and Ridge Road. (87 N-0128-01 472-83057/706805/200271) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 05/19/1998.

Motion -- Knight moved that sub-division plans and specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., March 2, 2001.  
-- carried Motion carried 7 to 0.

## **PRE. ESTIMATES PRELIMINARY ESTIMATES:**

- a) Lateral 1, Main 11, Sanitary Sewer No. 23 Sawmill Creek Addition - east of Ridge, north of 45th Street North. (468-83170/743861/480549) Does not affect existing traffic. (District II) - \$284,000
- b) Water distribution system to serve Sawmill Creek Addition - east of Rock, north of 45th Street North. (448-89511/734995/470666) Does not affect existing traffic. (District II) - \$75,000
- c) Water distribution system to serve Sawmill Creek Addition - east of Ridge, north of 45th Street North. (448-89509/734996/470665) Does not affect existing traffic. (District II) - \$162,000
- d) 2001 Planeview sanitary sewer reconstruction Phase 1 Planeview Addition - south of Pawnee, east of Hillside. (468-83193/622231/640339) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$210,000
- e) 2001 sanitary sewer rehabilitation, Phase A - between 21st Street North and Kellogg from West Street to 127th Street East. (468-83192/620300/660425) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, VI) - \$160,000
- f) War Industries Sewer relief line Phase 3 - south of Harry, east of Oliver. (468-82930/623323/680325) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$5,700,000
- g) Landscaping of the intersection of Seneca and McCormick - south of Kellogg, west of the River. (472-83266/706803/208258) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$11,750
- h) Landscaping in connection with the widening of Central Avenue from I-235 to West Street - Central, I-235 to West Street. (472-83014/706762/208230) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV, VI) - \$41,740

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 304

- i) Lateral 1, Main 1, Northwest Interceptor Sewer Newmarket Square Addition - north of 21st, west of Maize. (468-83188/743862/480550) Does not affect existing traffic. (District V) - \$52,000
- j) Water distribution system to serve Auburn Hills 12th Addition - south of Maple, west of 135th Street West. (448-89515/734994/470664) Does not affect existing traffic. (District V) - \$188,000
- k) Water distribution system to serve Newmarket Square Addition - north of 21st, west of Maize. (448-89525/734997/470667) Does not affect existing traffic. (District V) - \$146,000
- l) Water distribution system to serve Willow Place and Sawmill Creek Additions - along 45th Street North, east of Rock. (448-89493/734992/470662) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$212,000

Motion -- carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

## WATER SYSTEM

### **PETITION TO CONSTRUCT WATER DISTRIBUTION SYSTEM TO SERVE PART OF FOREST LAKES ADDITION – NORTH OF 29TH STREET NORTH, WEST OF RIDGE.** (District V)

Agenda Report No. 01-0128.

On April 2, 1996, the City Council approved a Petition for a water line to serve Forest Lakes Addition. A new Petition has been submitted to remove street right-of-way from the improvement district that was created by platting adjoining property. The signatures on the Petition represent 100% of the improvement district.

This project will provide water service for new residential development.

The original Petition totaled \$42,000. The new Petition totals \$34,000. The funding source is special assessments.

Motion -- carried Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

### RESOLUTION NO. R-01-037

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89022 (north of 29<sup>th</sup> Street North, west of Ridge), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## BOARDS MINUTES

### **MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

Metropolitan Area Planning Commission, 12-7-2000  
District III Advisory Board, 1-2-2001  
Wichita Public Library, 1-16-2001  
Community Services Block Grant (CSBG) Review Committee, 1- 4-2001  
City of Wichita Airport Advisory Board, 12-4-2000

Motion -- carried Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 305

## **STREET CLOSURES**    **STREET CLOSURE - BROADWAY, ONE BLOCK SOUTH OF LINCOLN** (District I)

Agenda Report No. 01-0169.

Dondlinger and Sons Construction has subcontracted with Cornejo and Sons to accomplish the installation of a storm drainage system across Broadway near Bayley Street. Because of the restricted right-of-way and the proximity to both the Fire Station and railroad crossing, the Contractor is requesting a one-day total Closure of Broadway on Saturday, February 17, 2001. During the Closure, the Contractor will excavate the work area, install the crossroad pipe and then install temporary pavement or plate the center lanes of Broadway. Broadway traffic will then be carried in these center lanes for approximately 2 weeks until the project is completed.

During the one-day complete Closure, Broadway traffic will be detoured as follows:

Southbound Broadway: Lincoln - Main - Harry - Broadway  
Northbound Broadway: Harry - Emporia - Lincoln - Broadway

The Contractor is responsible for construction barricades, detour signing and notification of affected businesses and residents.

If the weather does not allow this work to be accomplished on Saturday, February 17th, the Contractor will reschedule the total Closure for February 24, 2001.

Motion -- carried

Knight moved that the street closures be approved. Motion carried 7 to 0.

## **STREET CLOSURE - PAWNEE BETWEEN ROCK ROAD AND WEBB ROAD.** (District II)

Agenda Report No 01-0172.

The City has contracted with Ritchie Paving, Inc. to reconstruct Webb Road, from Pawnee to Harry, and Pawnee, from east of Rock to Webb Road. Although the project specifications require the Contractor to maintain two-way traffic on both streets through the construction area during the majority of the project, the specifications allow the Closure of Pawnee at the location of two concrete drainage structures that will carry runoff water under the pavement.

The Contractor is requesting approval of the Closure of Pawnee at these drainage crossing locations: the first closure between Dalton and Linden, and the second one between Cypress and Cooper. The Closures will be from February 7, 2001 through approximately March 10, 2001. During the Closures, the Contractor will remove the existing structures, install the new drainage structures, and install backfill and temporary pavement.

During the Closure, Pawnee traffic will be detoured using Rock Road, Harry and Webb Road. The Pawnee Closures and other construction issues were discussed at a public meeting on Tuesday evening, January 30th. The Contractor is responsible for construction barricades, detour signing and notification of affected businesses and residents. Webb Road will remain open to two-way traffic throughout the entire construction period.

Motion -- carried

Knight moved that the street closure be approved. Motion carried 7 to 0.

## **STREET CLOSURE - WICHITA RIVER FESTIVAL.**

Agenda Report No. 01-0173.

The Wichita River Festival is established as a great event that has nearly 100,000 people enjoying 10 days of festivities annually. The Festival brings considerable notoriety to our city and celebrates our Wichita heritage.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 306

This year, the Wichita River Festival is celebrating its 30th anniversary. Typically, the City of Wichita does not close Douglas Avenue until right before the event occurs. This means that stage set up time must be quick and easy, which typically makes smaller events.

For improved services, Wichita Festivals Inc. has requested that the eastbound lanes of Douglas Avenue between Water Street and Waco Street be closed during the entire 10 days of the Festival. This will provide an expanded food court located at Century II Drive. It will also make it possible to place a stage on Douglas Avenue for entertainment during lunch hours and for events held in the evening.

Motion -- carried Knight moved that the street closures be approved. Motion carried 7 to 0.

## **FIN. REPORT QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDED DECEMBER 31, 2000.**

Motion -- carried Knight moved that the report be received and filed. Motion carried 7 to 0.

## **CLAIMS REPORT ON CLAIMS ALLOWED - DECEMBER, 2000:**

<u>Name of Claimant</u>	<u>Amount</u>
Joel E. Goertz	\$338.00
Athena Simpson	\$284.06
KGS	\$303.44*
DeVaughn W. Brown	\$250.00
Olivia D. Jacobs	\$438.79
Lore Baldrige	\$125.19
Colleen Gunter	\$158.09
SW Bell	\$714.83
Paul & Anita Aspedon	\$100.61
Rene Bauer	\$310.00
Michael Berry	\$200.00

\*Settled for amount less than amount claimed.

Motion -- carried Knight moved that the report be received and filed. Motion carried 7 to 0.

## **RESPREAD SPECIALS AGREEMENT TO RESPREAD ASSESSMENTS: LEGACY PARK WILSON ESTATES ADDITION - SOUTH OF 21ST STREET NORTH, WEST OF WEBB ROAD AND BRADLEY FAIR SECOND; AND THIRD ADDITIONS - SOUTH OF 21ST STREET NORTH, EAST OF ROCK ROAD. (District II)**

Agenda Report No. 01-0152.

The landowners, Laham Holding Company, L.L.C. and CVC Wichita Associates, L.L.C., have submitted an Agreement to respread special assessments within their ownership of Legacy Park Wilson Estates Addition and Bradley Fair Second and Third Additions.

The land was originally included in numerous improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments to more fairly distribute the cost of the improvements.

There is no cost to the City.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 307

(Agenda Item No. 19b)  
**C & D LANDFILL**

## **AGREEMENT FOR CONSTRUCTION AND DEMOLITION LANDFILL – HERZOG ENVIRONMENTAL, INC.** (District VI)

Agenda Report No. 01-0129.

On December 11, 2000, the City Council approved the selection of Herzog Environmental Inc. to develop and operate a construction and demolition landfill on the site of the present Brooks sanitary landfill. Staff was directed to negotiate a Contract with the company and to return it for consideration by the City Council.

The Contract has been negotiated with Herzog Environmental, Inc. It provides for the need of the City and the public for the operation of a construction and demolition landfill on the Brooks site.

The proposed Agreement will allow for public use of the site for the disposal of construction and demolition waste at a maximum tipping fee of \$20 per ton. It also allows for the City to dispose of 48,000 tons of construction and demolition waste at no charge.

Motion --

-- carried

Cole moved that the Agreement/Contract, with condition that the pipeline east of the Arkansas River remain in its current position, be approved, and the necessary signatures be authorized. Motion carried 7 to 0.

## **PROFESSIONAL SERVICES AMENDMENT – STINSON, MAG AND FIZZELL.**

This Item was pulled from the Agenda.

**CINEMA DEV.**

## **AMENDMENTS TO OLD TOWN CINEMA DEVELOPMENT AGREEMENT.** (District VI)

Agenda Report No. 01-0131.

On December 19, 2000, the City Council approved a development agreement with Cinema Old Town, L.L.C. for the development of a six-screen cineplex and related developments to be constructed in the Old Town area. The City Council approved a total City funding package of \$9.3 million for land acquisition and construction of a public parking structure, a public plaza area and streetscape improvements. The action taken by the City Council was made subject to the Developers' ability to acquire the necessary property. This condition has now been met; however, minor amendments to the Development Agreement are now required.

The Development Agreement approved by the Council includes an amount to assist in the acquisition of property funded by the City's contribution. To provide funding for additional costs of property, this amount has been increased by \$165,708. This amount represents contingency funds within the original \$9.3 million budget for City funding.

The Development Agreement approved by the Council also includes a provision that calls on the City to seek contribution of the Raytheon property and generally would allow the use of condemnation to acquire property, if necessary. These provisions no longer apply and are removed in the proposed amendments.

This amount represents contingency funds within the original \$9.3 million budget for City funding. The additional funding request will not increase the overall City's financial obligations or budget for the project.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 308

## RESOLUTION NO. R-01-038

A Resolution authorizing the issuance of General Obligation Bonds of the City of Wichita, Kansas to pay all or a portion of the costs of acquiring real property generally located on Moore and Mead Streets between Second and Third Streets, and the development of a two-level parking structure; the construction of a public plaza; and the installation of streetscape improvements on and adjacent to such property, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

### ARKANSAS RIVER WATER QUALITY STUDY.

This Item was pulled from the Agenda.

## KANSAS PARKS

### ACCESS CONTRACT - KANSAS DEPARTMENT OF WILDLIFE AND PARKS.

Agenda Report No. 01-0133.

The Water and Sewer Department owns approximately 97-acres of land adjacent to the Arkansas River near 85th St. North and 151st St. West. In the 1950s, the site was used for additional water supply wells during a significant drought and was called the Reserve Wellfield. The wells had a high salt content, so after the drought was over, the City stopped using them but retained possession of the land. Part of the land was turned into a recreational area and the rest was used as pasture. The "park" area, which includes approximately 27-acres, has been a popular site for camp-outs and picnics for various organizations for many years.

In 1999, the City approved a Contract with KDWP to have fishing access with an annual fee of \$1,000 payable to the City. This has been a benefit to the department to receive revenue from the land, eliminate maintenance responsibilities for Staff, and provide additional public recreational access to the Arkansas River.

KDWP has requested to extend their Contract that allows public access to the land and the river. As part of the renewal, they would again assume all maintenance and enforcement responsibilities for the site and reimburse the City \$1,000 per year for access. The extended Contract would be in effect for two years with an option to renew.

The state will pay the City \$1,000 per year for access.

Motion --  
--carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## JABARA AIRPORT

### JABARA AIRPORT HANGAR DEVELOPMENT.

Agenda Report No. 01-0134.

On December 19, 2000, the City Council approved a Letter of Intent for the development of an executive hangar at Col. James Jabara Airport to be leased to Wichita Air Services, Inc. ("WASI") and Jack P. DeBoer and designated these two jointly as Preferred Developer for the construction of the hangar and related developments. The Letter of Intent called for the negotiation of a development agreement and lease. These documents are submitted for City Council approval at this time.

Under the terms of the proposed Development Agreement and Lease, the City will lease approximately 50,000 sq. ft. of land (located at Jabara Airport) from the Airport Authority, in the area designated in the Airport's Master Plan for corporate hangars. An 18,000 sq. ft. executive hangar and associated improvements will be constructed, including a ramp, parking, fuel storage, landscaping and other improvements.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 309

The City will lease the completed hangar to WASI and DeBoer, subject to a 15-year lease. This hangar will be used as a place of business for WASI and for storage of aircraft. The Lease Agreement includes a non-compete provision regarding the Developer's ability to service aircraft and limitations concerning the storage of aircraft fuel on the leased premises.

The cost of the hangar and associated improvements will be financed by the City and fully amortized over the term of the lease from payments received from WASI and DeBoer. Lease payments will also cover the land lease payments to the Airport. In the Development Agreement, the City retains full approval authority for design, development budget, construction contracts and all other aspects of the development process. The Developer is required to follow the City's IRB Policy for selection of contractors.

The estimated total cost of the development of the hangar and related improvements is \$1 million. The lease rate of \$6.50 per square foot of hangar space and \$.12 per square foot of land will fully amortize this cost over the 15-year term of the Lease. The Lease includes a provision that adjusts the lease rate (up or down) if final development costs are higher or lower than the estimated \$1 million.

Motion --  
-- carried

Knight moved that the Development and Lease Agreements be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. R-01-039

A Resolution authorizing the issuance of General Obligation Bonds of the City of Wichita, Kansas to pay all or a portion of the costs of constructing an aircraft hangar and associated improvements at Jabara Airport, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## TRANSIT SERVICE

### TRANSIT SERVICE AGREEMENT FOR OAKLAWN IMPROVEMENT DISTRICT.

Agenda Report No. 01-0135.

For the past several years Wichita Transit has provided fixed route and paratransit van service to the Oaklawn Improvement District. Currently, Sedgwick County reimburses Wichita Transit for the actual cost of providing such service according to a year-by-year contractual agreement. The purpose of this action is to establish the contractual agreement for fiscal year 2001.

Wichita Transit operates one fixed route which provides service to the Oaklawn area. Paratransit service is also provided to Oaklawn based on ADA guidelines (which require service in areas in which fixed route service is provided). In FY 2001, an estimated 695 hours of fixed route service will be provided. The estimated hourly cost for this service (netting out passenger revenue) is \$32.60. Paratransit service cost (net passenger revenue) is estimated at \$13.50 per trip, with an estimated 325 trips to be provided in fiscal year 2001.

Based on the projected service levels, the total projected revenue from the FY 2001 agreement will be \$27,042. The Adopted FY 2001 Budget includes the expenditure authority necessary to provide the service.

City Council approval is required for contracts in excess of \$10,000.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 310

## PRO GOLF

### GOLF PROFESSIONAL CONTRACTS.

Agenda Report No. 01-0167.

The golf professional contracts for the existing four City golf courses (L.W. Clapp, MacDonald, Sim, and Tex Consolver) expired on January 31, 2001. Negotiations have been underway, assisted by Council Member Bob Martz, for negotiation of new contracts.

The proposed golf professional contracts include the following:

- (1) A term of a three-year period of time, 2001 through 2003.
- (2) Revenue sharing of green fees, cart rentals, concessions, pro shop, and other revenues on the same basis as the current contracts.
- (3) Revenue sharing of the Tex Consolver Driving Range on the basis of 75% (Professional) and 25% (City); previous contract provided for a 90%/10% revenue split.
- (4) Other contract changes as to management and operation of the four courses.

The golf professionals have concurred in the proposed contracts, subject to a review and minor modifications upon final negotiations between the City and professionals.

Motion --

Knight moved that the Agreement/Contract, subject to minor modifications approved by the City Representative and City Attorney, be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

## REINSURANCE

### EMPLOYERS REINSURANCE.

Agenda Report No. 01-0136.

The City self-insures its workers compensation exposure under the authority and regulation of the State of Kansas. One of the requirements of the state to self-insure this exposure is the purchase of reinsurance (\$300,000 per occurrence stop-loss).

Employers Reinsurance Corporation (ERC) has provided this coverage to the City since the inception of the self insured program. Solicitations for this coverage are prepared every 3 to 5 years. The last solicitation was sent out in 1998 and ERC provided a substantially better quote to the City than any of the competition.

In light of the rising cost of reinsurance in general, it is staff's recommendation to renew this policy at the rate of \$0.0345 per \$100 of payroll. The 2001 renewal rate represents a 14% increase over that of 2000, but remains substantially below the rates quoted by competing carriers in 1998.

Funding for the coverage is included in the budgeted expenditures of the Self Insurance Fund. The estimated 2001 premium for this coverage will be \$37,995.

The coverage is required by state statute to continue our status as a self-insured employer for workers compensation in the state of Kansas.

Motion --

Knight moved that the purchase of excess workers compensation insurance from Employers Reinsurance Corporation for calendar year 2001, be approved. Motion carried 7 to 0.

-- carried



# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 311

## **DESIGN SERVICES     SUPPLEMENTAL AGREEMENT FOR WATER DISTRIBUTION SYSTEM NO. 448 89249 – 21ST STREET NORTH AND 143RD STREET EAST. (District II)**

Agenda Report No. 01-0137.

On April 8, 1998, the City entered into an Agreement with Poe & Associates of Kansas, Inc. for the design of a water line in 21st Street North and in 143rd Street East. The fee was \$18,795. On December 7, 1999, the City Council approved Supplemental Agreement Number 1 which required Poe to revise the existing ground profile over the water line, and provide revised mylar originals. The fee was \$1,200.

Poe has been asked to design a 30" water line along 21st Street from 143rd Street East to 159th Street East; a 24" water line along 159th Street East to approximately one-half mile southward from 21st Street; and a 16" water line along 21st Street from 159th Street East. Supplemental Agreement Number 2 has been prepared.

Payment will be on a lump sum basis of \$39,800 and will be paid by Water Utility Funds and the City of Andover.

Motion --                      Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried                      Motion carried 7 to 0.

## **DESIGN SERVICES     AGREEMENT FOR NEWMARKET SQUARE – NORTH OF 21ST STREET, WEST OF MAIZE ROAD. (District V)**

Agenda Report No. 01-0138.

The City Council approved the project on December 12, 2000.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Newmarket Square. Per Administrative Regulation 7a, staff recommends the selection of PEC because PEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$14,500, and will be paid by special assessments.

Motion --                      Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried                      Motion carried 7 to 0.

## **DESIGN SERVICES     SUPPLEMENTAL AGREEMENT FOR 25TH STREET NORTH FROM I-235 TO WEST STREET. (District VI)**

Agenda Report No. 01-0139.

On March 30, 1999, the City entered into an Agreement with Parsons Brinckerhoff Quade & Douglas, Inc. (PBQD) for designing improvements to 25th Street North from I-235 to West Street. The fee was \$357,000.

PBQD was required to make some changes to the interchange conceptual, which were requested by Kansas Department of Transportation (KDOT). They were also required to do more extensive lighting of the bridge roadway, sidewalks, and approaches to the bridge. A Supplemental Agreement has been prepared.

Payment to PBQD for the Supplemental Agreement will increase the total contract by \$18,000 from \$357,000 to \$375,000. The funding source is General Obligation Bonds.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 312

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

## **DESIGN SERVICES**      **SUPPLEMENTAL AGREEMENT FOR WOODCHUCK FROM LEARJET WAY TO KELLOGG DRIVE.** (District V)

Agenda Report No. 01-0140.

On November 14, 2000, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for the design of Woodchuck from Learjet Way to Kellogg Drive. The fee was \$23,750.

MKEC has been asked to design a water line and a sanitary sewer extension under Harry/Learjet Way. A Supplemental Agreement has been prepared.

Payment will be on a lump sum basis of \$1,450 and will be paid by Water Utility Funds and General Obligation Revenue Bonds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

## **DESIGN SERVICES**      **AGREEMENT FOR DESIGN SERVICES - CEDAR VIEW SECOND ADDITION – NORTH OF LINCOLN, EAST OF GREENWICH.** (District II)

Agenda Report No. 01-0141.

The City Council approved the project on January 23, 2001.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Cedar View Second Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$28,960, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

## **BUDGET**      **2000 YEAR-END BUDGET ADJUSTMENTS - WATER AND SEWER UTILITIES.**

Agenda Report No. 01-0142.

At the close of each fiscal year, delinquent water and sewer accounts receivable deemed "uncollectible" (also known as bad debt) are recorded as expenses to the Water and Sewer Utilities, according to generally accepted accounting principles.

Final expenditures have been posted to the 2000 budgets. Budget adjustments are needed to record bad debt expenses. In order for the necessary adjustments to be made, funding needs to be transferred into the Water and Sewer Utilities' contractual accounts to cover adjustments in excess of currently available contractual authority. These transfers will be done within the existing total budget authority for the Utilities, thus the transfers will not change the overall bottom-line 2000 budget allocation for the Utilities.

The requested adjustments will move \$97,000 into the Water Administration contractals budget and \$88,000 into the Sewer Administration contractals budget. Funding is available for the transfers due to moderate undere-xpenditures in the Water Distribution, Production & Pumping, and Sewage

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 313

Treatment budgets. These under-expenditures were mostly due in turn to delays in purchasing capital equipment in anticipation of the results of the fleet study currently underway.

Council approval is required for all budget adjustments over \$10,000.

Motion --  
-- carried

Knight moved that the requested 2000 year-end budget adjustments be approved. Motion carried 7 to 0.

## STREET MAIN.

### **PROPOSED 2001 CONTRACTED STREET MAINTENANCE PROGRAM.**

Agenda Report No. 01-0143.

Each year, funding is allocated in the City's budget for contracted repairs and resurfacing of City streets. The Contracted Street Maintenance Programs provide maintenance work including concrete repairs, curb and gutter repairs, bridge repairs, crack repairs, and asphalt surface treatments of city streets. The Street Maintenance budget is the primary funding source for this program.

The 2001 Budget, approved by the City Council in August, provides for the following funding levels for contracted street repairs:

Street Maintenance Budget	\$ 3,277,280
Capital Investment Maintenance Program (General Fund)	762,400
Enhanced 2001 Contract Maintenance (General Fund)	1,200,000
Newly Annexed Areas (General Fund)	<u>200,000</u>
Total Contracted Street Maintenance Program	\$ 5,439,680

The City of Wichita is responsible for maintenance of 1,573 miles of paved streets, and 112 miles of dirt streets. In addition, the City maintains 220 bridges and 26 pedestrian bridges. The Department of Public Works utilizes a computerized Pavement Management System (PMS) to assess the street conditions throughout the City, and prioritize needed repairs. Staff uses this information, along with citizen input and CIP planning documents, to develop the maintenance programs.

The 2001 program will provide repairs to approximately 15.7 miles of arterial streets and 14.2 miles of residential streets. The arterial street work will focus on concrete repairs, crack repairs, bridge deck repairs, medial repairs, and asphalt resurfacing. Residential street work will consist of concrete repairs, crack repairs, and asphalt resurfacing. One pedestrian footbridge is also scheduled for reconstruction.

Approximately 62 miles of streets have been annexed into the City of Wichita in the past two years. Many of these streets are in poor condition, and in need of extensive repair. The 2001 program will continue to address newly annexed streets, with \$200,000 allocated for this purpose.

The proposed total expenditure for Contracted Street Maintenance Programs is \$5,439,680. Funds have been approved in the 2001 Adopted Budget for these programs.

Motion --  
-- carried

Knight moved that the programs be approved and Staff be authorized to make the necessary budget transfers. Motion carried 7 to 0.

## TREATMENT PLANT **NORTHWEST SEWAGE TREATMENT PLANT AND IMPROVEMENTS TO BASINS 1, 2 AND 3.** (District V)

Agenda Report No. 01-0144.

On January 19, 1999, the City Council approved a plan for a new sewage treatment plant and improvements to serve northwest Wichita. The selection of a consultant to perform project management tasks was approved on September 28, 1999. Tasks included the development of plans, specifications, and project estimates for the design and construction phase. Cost estimates and a timeline for the construction of the treatment facility were provided for budget purposes. Plans have

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 314

been prepared and construction has begun on the plant. Site grading is currently the main focus, along with installation of interceptor sewer pipe and construction of a lift station.

The estimate for the construction of the treatment facility and improvements to the basins is \$23.1 million. CIP #S-512, Northwest Sewage Treatment Plant & Basins 1,2, & 3 has been established for this project. Anticipated completion is in 2002.

The project will be funded by revenues and/or bond sales. Approximately \$15.05 million was allocated in 1999 and 2000 for project development. Allocation of the remaining \$8.05 million is necessary to allow for project lettings and construction to continue in a timely manner to keep the project on schedule.

There are no legal considerations. The Resolution (R-00-342) was adopted on September 26, 2000, and the Notice of Intent was published on September 30, 2000.

Motion -- carried

Knight moved that the expenditures be approved. Motion carried 7 to 0.

## **WATER MAIN**

### **INSTALLATION OF WATER MAIN IN ARKANSAS FROM 29TH TO 37TH STREETS NORTH.** (District VI)

Agenda Report No. 01-0145.

The City of Wichita provides treated drinking water to 368,000 people. The service population is projected to increase to over 450,000 by 2010. To ensure that future water needs of the service area are met, the Water and Sewer Department initiated a study of its water system. The Water System Master Plan was completed in November 1999 and a number of significant system improvements were recommended to ensure adequate service levels now and in the future.

This project is recommended to provide system support to the newly annexed areas north of 37th and west of Arkansas by constructing a water main along Arkansas from 29th to 37th Street North. The result will allow for increased water volume and pressure to the north portion of the system, provide increased fire protection, and provide for development and growth in the area.

CIP #W-823, Arkansas from 29th Street North to 37th Street North, has a budget of \$930,000 for 2001. This project will be funded from Water Utility revenues and reserves, or a future revenue bond issue.

Motion --  
-- carried

Knight moved that the \$930,000 for 2001 project expenditures be approved; the Notice of Intent to Publish be authorized; and the Resolution be adopted. Motion carried 7 to 0.

### **RESOLUTION NO. R-01-040**

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the Water and Sewer Utility owned and operated by the City and to issue Revenue Bonds in a total principal amount which shall not exceed \$930,000 exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## **IRB - GOLDSMITH**

### **EXTENSION OF LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS – GOLDSMITH'S, INC.** (District II)

Agenda Report No. 01-0146.

On February 8, 2000, City Council approved a Letter of Intent for Industrial Revenue Bonds to Goldsmith's Inc., in an amount not-to-exceed \$2.7 million and a 100% five-plus-five-year tax exemption on all bond-financed property. Bond proceeds will be used for the purpose of constructing a new 50,000 SF corporate headquarters on 37th Street between Rock Road and Webb Road, in northeast

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 315

Wichita. On August 1, 2000, the City Council approved an extended six-month Letter of Intent to issue Industrial Revenue Bonds to Goldsmith's Inc. Goldsmith has made significant progress of its new Corporate Headquarters; however, it does not appear that construction will be complete by the time the Letter of Intent will expire. The company is now requesting an extension of an additional six-months of the Letter of Intent until August 8, 2001.

Goldsmith's is a Wichita-based business, locally formed in 1893. Goldsmith's Inc. is a full-service office furniture dealership. In addition, Goldsmith provides a variety of services including interior design, project management, and product installation to local, regional, national and international clients. Goldsmith's new facility design will consist of three operations divisions. Division one is a state-of-the-art design and education center. This area will have technological capabilities utilized for planning office set-up, environmental issues, and visualization of solutions. Division two will be a 14,000 SF area utilized for sales, marketing, and all corporate offices. Division three will be a 26,000 SF area utilized for product installation, furniture repair, inventory management, and distribution.

Goldsmith plans to privately place the bonds with a financial institution. Goldsmith agrees to comply with the City's requirements contained in the Standard Letter of Intent Conditions.

There is no financial impact on the City resulting from the requested extension.

Motion --  
-- carried

Knight moved that the extension of the IRB Letter of Intent to Goldsmith's Inc. for a six-month period, ending August 8, 2001, be approved. Motion carried 7 to 0.

## ASSOCIATED CO.

### **PURCHASE OPTION – ASSOCIATED COMPANY, INC.** (District VI)

Agenda Report No. 01-0147.

On July 17, 1990 the Wichita City Council approved the issuance of \$3 million in Industrial Revenue Bonds, Series V, 1990. Bond proceeds were used for the purpose of paying the costs of acquiring, renovating and remodeling the Cherry Orchard Warehouse Facility (former Davis Manufacturing), located at 1501 South McLean Boulevard on the northwest corner of Harry and McLean.

On February 23, 1999, Associated Company Inc., filed bankruptcy with the United States Bankruptcy Court for the District of Kansas. In the course of the bankruptcy, Associated Company, Inc., sold a significant portion of its assets, including all interests in the Lease, to Harlow Properties, L.L.C., as nominee of Harlow Aircraft Manufacturing Company, Inc. Harlow Properties, L.L.C., thereby became successor Tenant under the Bond Documents.

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$100. The bonds matured in August 2000, by their terms. The City of Wichita, on November 21, 2000, received notice from the Trustee that all bonds were paid, and Harlow Properties, L.L.C. desired to take reconveyance.

Under the terms of the Lease, the City is required to convey the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by Special Warranty Deed, once all the conditions established in the Lease have been met.

Motion --  
-- carried

Knight moved that the Special Warranty Deed and the Termination of Lease Agreement be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 316

## RESOLUTION NO. R-01-041

A Resolution authorizing the City of Wichita, Kansas to convey certain real property to Harlow Properties L.L.C. and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

### FIREFIGHTERS

#### **DECLARATION FOR PARTICIPATION IN FIREFIGHTERS FUND FOR 2001.**

Agenda Report No. 01-0148.

The Declaration for Participation must be executed and filed each year to allow the local Firefighters Relief Association to participate in the distribution of the State Firefighters Relief Fund Tax. This Firefighters Relief Fund Tax distribution will be from all fire and lightning insurance premiums collected. The certification indicates that the Wichita Fire Department is a full paid, public fire department with 368 salaried firefighters, and has fire apparatus and necessary equipment that is in serviceable condition with a value exceeding \$20,000,000.

By State Statute, two percent of the total premium on fire and lightning insurance written within the State during a calendar year goes to the Commissioner of Insurance to establish the State Firefighter's Relief Fund. After certain payments required by law, the balance of the fund is paid to local firefighters relief associations to be used for benefits for firemen injured, disable, or killed in the line of duty, payment of funeral expenses, payment of a pension benefit for full-time firemen who are unfit for service after 20 years with the department, and to purchase insurance which would provide any of the listed benefits. The Wichita Firemen's Relief Association received \$545,963.42 in the 1999 distribution and \$491,767.90 in the 2000 distribution. The City of Wichita has had a Wichita Firemen's Relief Association since 1896 and has participated in the State Firefighters Relief Association for more than 80 years. The certification is for calendar year 2001.

The Firefighters Relief Fund was created by K.S.A. 40-1701, et seq., and K.A.R. 40-10, et seq.

Motion --  
-- carried

Knight moved that the Declaration be approved and the necessary signatures be authorized. Motion carried 7 to 0.

### BRUSH CREEK

#### **AMENDMENT TO RESTRICTIVE COVENANT FOR BRUSH CREEK THIRD ADDITION – SOUTH OF 37TH STREET NORTH, EAST OF WOODLAWN.** (District I)

Agenda Report No. 01-0149.

The developers of Brush Creek Third Addition have submitted a Restrictive Covenant that assigns maintenance responsibilities for private drainage reserves to the owners of Lots 1 and 8 within the addition and relieves the owners of the remaining lots in the addition of this responsibility.

Brush Creek Third Addition is being developed with an apartment complex and retail businesses. If the owners of the two lots fail to properly maintain the reserves, the City of Wichita can take corrective action and assess the cost to the properties.

There is no cost associated with the Restrictive Covenant.

Motion --  
-- carried

Knight moved that the Amendment be approved and the necessary signatures be authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 317

## GOLF COURSE

### ASSIGNMENT OF LEASE FOR ANTENNA SITE AT MCDONALD GOLF COURSE. (District I)

Agenda Report No. 01-0150.

The City Council approved a lease with Horizon Telecommunications allowing Horizon to place a tower to provide wireless service in an approximately 2,500 square foot portion of the maintenance area of McDonald Golf Course. The lessee has sought and received the appropriate approvals and conditional use permits to allow the tower to be built. Horizon has requested that they be allowed to assign their rights and responsibilities under the lease to Lattice Communications, LLC.

The lease agreement provides for assignment upon approval of the City. Upon assignment, Lattice will be bound to the same responsibilities and duties as Horizon.

The City's revenues and protections from the lease will remain unchanged.

Motion --  
-- carried

Knight moved that the assignment be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## NARCOTIC ACCTS.

### NARCOTIC SEIZURE ACCOUNTS.

Agenda Report No. 01-0151.

Under Federal and State law, law enforcement agencies are permitted to seize assets from specified unlawful activities. After seizing assets, law enforcement agencies file a case for forfeiture in Federal or State court. If the court rules that the assets are proceeds from specified unlawful activity, then the assets are forfeited to the law enforcement agency. For the City of Wichita, forfeited assets are deposited into separate Narcotic Seizure accounts to provide supplementary funding for law enforcement activities. Each year, the City is required to submit a Federal Annual Certification Report, which outlines seizure revenue and outlays for the prior year.

The budget for the Narcotic Seizure accounts are adopted to permit the expenditure of funds forfeited to the Wichita Police Department. Federal and State regulations require separate accounts for assets forfeited under different forfeiture programs. The Police Department recommends that the City Council adopt the 2001 Narcotic Seizure budget, which are described below in the Financial Considerations section.

As of December 31, 2000, the Narcotic Seizure accounts have funds totaling \$618,192. The Police Department recommends the following budget for 2001:

<u>Budgeted Item</u>	<u>Amount</u>
Local match for grants	\$100,000
Undercover buy money	90,000
Operations/maintenance-undercover vehicles	50,000
Law enforcement training	30,000
Undercover fleet replacements	30,000
Vehicle liability insurance	15,000
SWAT truck repairs	15,000
Tactical entry/safety equipment	15,000
Surveillance/undercover investigations equipment	10,000
Clandestine lab team physical examinations	10,000
Misc. police equipment	35,000
Contingency/fund reserve	<u>218,192</u>
	\$618,192

Federal and State laws require local units of government to use forfeited assets to supplement the funds dedicated to law enforcement and prohibits supplanting local funds with forfeited assets. As a

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 318

prerequisite to the approval of any equitable sharing request, the City must submit the Federal Annual Certification Report within 60 days after the close of the fiscal year.

Motion -- Knight moved that the budget be adopted and the necessary signatures be authorized. Motion carried  
-- carried 7 to 0.

## MINI CITY HALLS

### INFORMATION TECHNOLOGY EQUIPMENT – MINI CITY HALLS.

Agenda Report No. 01-0168.

On March 23, 1999, the City Council approved the establishment of Neighborhood Service Centers, at (4) four locations: Atwater, Colvin, Evergreen, and Aley/Stamley. Architectural services for space design are nearly complete. All four Centers will have space for District Advisory Board meetings and office space for assigned Staff. Additionally, each center will have an information desk (staffed by a clerical person) to provide a central access and reception point for facility services. The "Mini-City Halls" will include computer stations for use by area residents and workstations for other City services. Remote Communications Modules (RCM's) are required to extend PBX telephone service to the "Mini-City Halls". Additionally, software, hardware and computer installation will be required to complete the information technology package.

Options were explored to determine the best telephone service available to the Mini-City Halls. Remote Communications Modules will provide the Mini-City Halls with the same quality of service available at City Hall.

The City's existing telephone system was procured under a competitive bid process in 1998. The proposal at that time was sent to 11 vendors with seven responding. The proposal for the current phone system was approved on October 13, 1998. The competitive proposal allowed for future expansions to the City's phone system.

The computer software, hardware and installation will be competitively bid.

Project funds are available for the purchase.

The City is exercising its option to expand to the phone system under the competitive Request for Proposals. Information technology will be competitively bid.

Motion -- Knight moved that the purchase of telephone equipment from Siemens Information and Communication Networks, Inc. in an amount not to exceed \$151,000; and the purchase of data communications  
-- carried technology in an amount not to exceed \$60,000 by competitive bid be approved. Motion carried 7 to 0.

## CSBG APP.

### 2001 COMMUNITY SERVICES BLOCK GRANT APPLICATION.

Agenda Report No. 01-0170.

The Community Services Block Grant (CSBG) is administered by the U.S. Department of Health and Human Services and, in Kansas, by the State Department of Commerce and Housing. Funds are awarded by formula to Community Action Programs (CAPs) throughout the state. The City of Wichita has been a CAP and received CSBG funds since the mid-1970's. The Career Development Division of the General Government Department administers the CSBG program.

An annual application is required for receipt of the CSBG funds. Activities in the application include clean-up in low-income neighborhoods, summer recreation, health services through Project Access, and payment of a portion of overhead costs for the four mini-City Halls.

The CSBG allocation for Fiscal Year 2001 is \$864,969. No general operating funds from the City's budget are obligated by the application.



# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 319

The CSBG Review Committee has approved the 2001 application. The Committee asked that the minutes of its January 4, 2001 minutes be provided to the City Council.

Motion -- Knight moved that application be approved and the necessary signatures be authorized. Motion  
-- carried carried 7 to 0.

## SPECIALS

### PAVING PROJECTS ASSESSMENT.

Proposed Assessment Rolls have been prepared for 24 paving projects, and it is necessary to set a public hearing date. Informal hearing with City personnel will be held February 26, 2001.

Motion -- carried Knight moved that the hearing date be set for March 20, 2001. Motion carried 7 to 0.

## PROPERTY ACQ.

### ACQUISITION BY EMINENT DOMAIN OF TRACT REQUIRED FOR THE 21ST STREET NORTH AT ARKANSAS AVENUE PAVEMENT IMPROVEMENT PROJECT. (District VI)

Agenda Report No. 01-0153.

In January 2000, the City Council approved an ordinance declaring the intersections of 21st Street North and Arkansas Avenue to be a major traffic-way (2000 Intersection Improvement Program) 472-83184. In May 2000, staff was instructed to initiate acquisition of all temporary and permanent and right-of-way required for the improvements at 21st Street North and Arkansas Avenue. Offers have been extended on all subject tracts and negotiations initiated. Agreement has not been reached on one tract.

City staff have attempted to negotiate a purchase of the identified property but has been unable to reach an agreement with the owner. An offer of \$1,100 was extended but no counter offer was provided by the owner. Offer value was established by personnel trained in real estate acquisition. Staff will continue to negotiate with the owner but, due to the construction schedule for the project, eminent domain proceedings need to be initiated.

Cost of this acquisition will be paid for by the City at large.

Motion -- Knight moved that the acquisition be approved; the Resolution be adopted; and the Ordinance be  
-- carried placed on first reading. Motion carried 7 to 0.

### RESOLUTION NO R-01-044

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned improvements to the Intersection of 21<sup>st</sup> Street North and Arkansas Avenue, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

### ORDINANCE

An ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of 21<sup>st</sup> Street North at Arkansas Avenue, in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

## PROPERTY ACQ.

### ACQUISITION BY EMINENT DOMAIN OF TRACTS REQUIRED FOR THE WEST KELLOGG IMPROVEMENT PROJECT. (District V)

Agenda Report No. 01-0154.

In July 1993, the City Council approved an ordinance declaring Kellogg from 119th Street West to Mid-Continent Airport a major traffic-way. In early 2000, staff was instructed to initiate formal

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 320

acquisition of all properties requiring total acquisition. Offers have been extended on all subject tracts and negotiations initiated. Agreement has not been reached on several tracts.

City staff and consultants hired by the City have been attempting to negotiate a purchase of the identified properties but has been unable to reach an agreement with the owners. The offer prices and counter offers, where available, are shown as part of Exhibit A. Offer values were set by independent, third-party appraisals. Staff and the consultants will continue to negotiate with the owners, but due to the construction schedule for the project, eminent domain proceedings need to be initiated.

The cost of these acquisitions will be paid for by the City at large.

Motion --  
-- carried

Knight moved that the acquisition be approved; the Resolution be adopted; and the Ordinance be placed on first reading. Motion carried 7 to 0.

## RESOLUTION NO R-01-045

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned improvements to U.S. Highway 54 (from Mid-Continent Road to 119<sup>th</sup> Street West), presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## ORDINANCE

An ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of construction and widening of Kellogg Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

## PROPERTY ACQ.

### ACQUISITION OF PART OF 453 NORTH HILLSIDE FOR THE HILLSIDE/ CENTRAL INTERSECTION PROJECT. (District I)

Agenda Report No. 01-0155

In July of 1998, City Council approved a resolution calling for the improvement of several intersections and traffic corridors within the City. The intersection of Central and Hillside was one such intersection. The improvement plans call for partial acquisitions at all four corners. A 50 square foot triangular tract is required at the southwest corner. Alan Scott owns this corner and leases it to a Spangles hamburger restaurant.

Through negotiations, the property was valued at \$3,000 and Mr. Scott has agreed to accept this amount. The site is unimproved. If the project impacts any improvements, these will be replaced as part of the project.

The Council resolution approved \$95,000 in general obligation bonds for this project. A budget of \$3.500 is requested. This includes \$3,000 for the acquisition, and \$500 for closing costs and title insurance.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 321

## **24<sup>TH</sup> STREET NORTH PUBLIC HEARING**

### **RESOLUTIONS ORDERING PUBLIC HEARING: 24TH STREET NORTH, BETWEEN PAYNE AND SALINA.** (District VI)

Agenda Report No. 01-0156.

On January 8, 2001, District VI Advisory Board sponsored a neighborhood hearing on paving 24th Street North between Payne and Salina. Attempts to obtain a valid paving Petition have not been successful. The District Advisory Board recommended that the City Council hold a public hearing on ordering in the project.

24th Street North is a sand road serving a neighborhood comprised predominately of single-family homes.

The estimated project cost is \$35,000. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.22 per square foot of ownership. The funding source is special assessments.

State Statutes provide the authority for the City Council to order in the paving. Adopting the Resolution does not obligate the Council to approve the project, only to hold a public hearing on March 6, 2001.

Motion --  
-- carried

Knight moved that the Resolution setting the public hearing for March 6, 2001, be adopted. Motion carried 7 to 0.

### **RESOLUTION NO. R-01-042**

A Resolution directing and ordering a public hearing on the advisability of an improvement, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## **24<sup>TH</sup> STREET NORTH PUBLIC HEARING**

### **RESOLUTIONS ORDERING PUBLIC HEARING: 24TH STREET NORTH, BETWEEN HOOD AND PAYNE.** (District VI)

Agenda Report No. 01-0157.

On January 8, 2001, District VI Advisory Board sponsored a neighborhood hearing on paving 24th Street North between Hood and Payne. Attempts to obtain a valid paving Petition have not been successful. The District Advisory Board recommended that the City Council hold a public hearing on ordering in the project.

24th Street North is a sand road serving a neighborhood comprised predominately of single-family homes.

The estimated project cost is \$35,000. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.22 per square foot of ownership. The funding source is special assessments.

State Statutes provide the authority for the City Council to order in the paving. Adopting the Resolution does not obligate the Council to approve the project, only to hold a public hearing on March 6, 2001.

Motion --  
-- carried

Knight moved that the Resolution setting the public hearing for March 6, 2001, be adopted. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 322

## RESOLUTION NO. R-01-043

A Resolution directing and ordering a public hearing on the advisability of an improvement, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ JANUARY 23, 2001)

- a) Parking Amendments.

#### ORDINANCE NO. 44-851

An Ordinance amending Sections 11.04.105, 11.04.245, 11.04.316, 11.04.350, 11.04.380, 11.04/385, 11.52.020, and 11.52.055 and creating Section 11.04.271, all pertaining to parking and repealing the originals of Sections 11.04.105, 11.04.245, 11.04.316, 11.04.350, 11.04.380, 11.04/385, 11.52.020, and 11.52.055, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b) Campaign Finance.

#### ORDINANCE NO. 44-852

An Ordinance pertaining to campaign contributions; amending Section 2.56.030 of the Code of the City of Wichita; and repealing the original of said Section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b) Purchase of Transit (Bus) Coaches.

#### ORDINANCE NO. 44-853

An Ordinance determining the necessity for acquiring new buses for the City of Wichita's Metropolitan Transit authority, together with certain spare parts, proprietary tools and equipment, and providing that the cost of said acquisition shall be paid by the City of Wichita, Kansas, at large through the issuance of General Obligation Bonds of the City of Wichita, Kansas under the authority of Charter Ordinance No. 143, of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- d) Z-3303 (Third Addition) - west side of Hoover, north and south of Pawnee. (District V)

#### ORDINANCE NO. 44-854

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3303 (Third Addition)

- e) Z-3303 (Fourth Addition) - north side of K-42 Highway, on the east and west sides of Ridge Road. (District V)

#### ORDINANCE NO. 44-855

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04.210, read for the second time.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 323

Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3303 (Fourth Addition)

f) Z-3303 (Fifth Addition) - west of Ridge Road, on the north side of K-42 Highway.  
(District V)

## ORDINANCE NO. 44-856

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3303 (Fifth Addition)

g) Z-3303 (Sixth Addition) - northwest and southeast sides of Tyler Road, on the north side of K-42 Highway. (District V)

## ORDINANCE NO. 44-857

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3303 (Sixth Addition)

## **SIDEWALK REPAIR      SIDEWALK REPAIR.**

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the city of Wichita, Kansas, introduced and under the rules laid over.

## **PLANNING AGENDA**

Motion -- carried

Knight moved that the Planning Agenda Items be approved as consensus Items. Motion carried 7 to 0.

**VAC2000-00019**

**VAC2000-00019 – VACATE 12-FOOT UTILITY EASEMENT LOCATED SOUTH OF SECOND STREET, NORTH AND WEST OF CRESTWAY – 237 NORTH CRESTWAY.**  
(District II)

Agenda Report No. 01-0158.

Staff Recommendation: Approve vacation of 12-foot utility easement.

MAPC Recommendation: Approve vacation of 12-foot utility easement. (unanimous)

The applicant is requesting to vacate a 12-foot side yard utility easement. A portion of the residence and a garage were built on this easement. In order to obtain a clear title, this vacation must be obtained.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, except for the west 12 feet to cover an existing north-south sewer line, adopting the findings of fact that are incorporated in the Vacation Order, and subject to the applicant filing a Hold Harmless Agreement for the existing garage structure that is built over the north-south 12-foot utility easement. No written protests have been filed.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 324

Motion -- Knight moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order and Hold Harmless Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.  
-- carried

**VAC2000-00056**      **VAC2000-00056 – VACATE UTILITY EASEMENTS LOCATED NORTH OF 29TH STREET NORTH, WEST OF RIDGE.** (District V)

Agenda Report No. 01-0159.

Staff Recommendation: Approve vacation of utility easements.  
MAPC Recommendation: Approve vacation of utility easements. (unanimous)

The applicant is requesting to vacate utility easements that are interior to property. The applicant wishes to create larger lots.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order subject to the applicant granting a 10 foot easement within Lot 35, Block 4 Lakes Addition. No written protests have been filed.

Motion -- Knight moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order and utility easement be approved and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

**DED2000-36**      **DED2000-36 – DEDICATION OF UTILITY EASEMENT LOCATED ON THE SOUTHWEST CORNER OF 21ST STREET NORTH AND WEBB ROAD.** (District II)

Agenda Report No. 01-0160.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of associated Lot Split No. SUB 2000-94 and is being dedicated for the purpose of construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried Knight moved that Dedication be approved. Motion carried 7 to 0.

**DED2000-37**      **DED2000-37 – DEDICATION OF UTILITY EASEMENT LOCATED ON THE SOUTHWEST CORNER OF 21ST STREET NORTH AND WEBB ROAD.** (District II)

Agenda Report No. 01-0161.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of associated Lot Split No. SUB 2000-94 and is being dedicated for the purpose of construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried Knight moved that Dedication be approved. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 325

SUB2000-84

## **SUB2000-84 – PLAT OF DOWNS COUNTRY ESTATES ADDITION LOCATED ON THE NORTHWEST CORNER OF 47TH STREET SOUTH AND WEBB ROAD.**

Agenda Report No. 01-0162.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This plat is zoned SF-20, Single-Family Residential and is located in the County within three miles of Wichita's City limits. The site has been approved by the County Health Department for the use of on-site sanitary sewer facilities. The site will be served by Rural Water District #3.

A No Protest Agreement for future sanitary sewer and public water services was required. This Agreement assures the City of Wichita that this property will be included in the improvement district for the construction of sanitary sewer and public water facilities and that the owners have waived their right to protest said construction.

In order to provide access to Lot 10, the Applicant has recorded an ingress-egress easement across Lot 7. A joint access easement was also recorded to allow shared access between lots 1 and 2.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The No Protest Petition will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SUB2000-91

## **SUB2000-91 – PLAT OF REFLECTION RIDGE WEST ADDITION LOCATED NORTH OF 21ST STREET NORTH ON THE EAST SIDE OF TYLER.** (District V)

Agenda Report No. 01-0163.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

A zone change (ZON 2000-00034) from SF-6, Single-Family Residential to GO, General Office has been approved for Lots 2, 3 and 4 subject to platting. The plat is also subject to the Reflection Ridge Community Unit Plan (CUP 2000-00034).

Petitions, all 100%, have been submitted for sanitary sewer, water, drainage and paving improvements. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for access to Lots 2 and 3, an access easement was provided. A Community Unit Plan Certificate was also provided identifying the approved Community Unit Plan.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, restrictive covenant, access easement and CUP Certificate will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that documents and Plat be approved; the ZON2000-00034 Ordinance be placed on first reading; and the Resolutions be adopted. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 326

## RESOLUTION NO. R-01-046

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89534, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-01-047

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 2, Northwest Interceptor Sewer, 468-83196, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-01-048

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 158 (north of 21<sup>st</sup> Street, east of Tyler) 468-83197, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-01-049

Resolution of findings of advisability and Resolution authorizing improving of Tyler Road Decel Lane, (north of 21<sup>st</sup> Street, east of Tyler) 472-83306, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2000-00034

### **STREET IMPR. FOR SUB2000-114**

### **STREET IMPROVEMENT AGREEMENT FOR SUB2000-114 LOCATED NORTH OF 53RD STREET NORTH, WEST OF SENECA.** (District VI)

Agenda Report No. 01-0164.

Staff Recommendation: Approve the Agreement.

This No Protest Agreement for the paving of Delaware Street was required for the approval of a Lot Split (SUB 2000-114) for Lot 131, Vanview Addition. The Lot Split will allow for the creation of an additional lot zoned SF-6, Single-Family Residential. This Agreement assures the City of Wichita that this property will be included in the improvement district for paving of Delaware Street and that the owners have waived their right to protest said paving.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

### **A 00-21**

### **A 00-21 – ANNEXATION OF LAND GENERALLY LOCATED ¼ MILE EAST OF WEBB ROAD AND SOUTH OF 21ST STREET NORTH.** (District II)

Agenda Report No. 01-0165.

The City has received a request to annex approximately 78 acres generally located ¼ mile east of Webb Road and south of 21st Street North. The site's western and northern boundaries abut the current City



# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 327

of Wichita Limits. The property owner is planning to develop the area with 138 single-family homes. The staging of development is planned over multiple years, with 100% of development to be completed within five (5) years.

Land Use and Zoning: The annexation site consists of one (1) contiguous undeveloped tract of land zoned "SF-20" Single Family Residential. Land west is vacant and zoned "B" Multi-Family, "SF-6" Single-Family, and "LI" Limited Industrial. One structure is located on the property south of the proposed site and is zoned "LI" Limited Industrial. Land north is developed with homes and zoned "SF-6" Single-Family. A ranch is located east of the site and zoned "SF-20" Single-Family. Upon annexation, the "SF-20" Single Family Residential zoning of the subject property will convert to "SF-6" Single Family Residential.

Public Services: The City Water and Sewer Department indicates that the subject property proposed for annexation will likely connect to an existing 36" water main along 21st. As for sewer, it is anticipated that the property will connect to an existing 10" sewer line along 21st.

Street System: The property proposed for annexation will have access to 21st Street North, a 4-lane arterial, which serves the area as the nearest major east-west road, and Webb Road, a 4-lane arterial, which serves the area as the nearest major north-south road. Currently, there are no plans to further improve that portion of 21st Street North or that portion of Webb in the City of Wichita 2001-2010 C.I.P. or the 2001-2005 Sedgwick County C.I.P.

Public Safety: Fire services to this site can be provided most readily, within a four (4) to five (5) minute approximate response time, from City Station #18 located at 2808 N. Webb Road. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: Chisholm Greenway, a 10-acre Recreation Corridor, is located approximately 1 mile north and east of the proposed site. The Wichita-Sedgwick County Parks and Open Space Master Plan shows two potential park sites that could serve this area. One located approximately one mile north of the site, and the second located approximately one mile south of the site.

School District: The property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The property is also located within the 2010 Urban Service area, as depicted in the 1999 Update to the Comprehensive Plan, adopted by the City Council and the County Commission last year.

The total assessed value of the property is \$6,340. The future assessed value of this property will depend on the timing of development, the type of development, and the current mill levy. However, the applicant projects an overall appraised value of \$34,500,000 when development is completed, resulting in an assessed value of \$3,967,500. Assuming the current City levy remains about the same ( $\$31.406/\$1000 \times$  assessed valuation), this would roughly yield \$124,603 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --  
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. A 00-21

# CITY COUNCIL PROCEEDINGS

JOURNAL 172

FEBRUARY 6, 2001

PAGE 328

## AIRPORT AGENDA

### **AIRPORT**

#### **SUPPLEMENTAL AGREEMENT 1: AIRFIELD ELECTRICAL VAULT IMPROVEMENTS.**

Agenda Report No. 01-0166.

On July 18, 2000 the City Council approved the plans and specifications designed by Professional Engineering Consultants and authorized staff to advertise for bids. During construction, resident engineering and construction related services are necessary in order to comply with Federal requirements.

A supplemental agreement has been prepared that authorizes the necessary services.

The total cost of the services is \$16,414. Funding is available within the project budget. AIP Federal Grant funds have been accepted to reimburse 90% of eligible expenditures. The matching funds will ultimately come from Passenger Facility Charge collections although airport revenues will provide interim funding.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

### **ADJOURNMENT**

The City Council meeting adjourned at 11:15 a.m.

Pat Burnett CMC  
City Clerk